

**ASSEMBLY BILL**

**No. 2032**

---

**Introduced by Assembly Member Mendoza**

February 23, 2012

---

An act to amend Sections 47610 and 48925 of the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 2032, as introduced, Mendoza. Charter schools: suspension and expulsion of pupils.

(1) The Charter Schools Act of 1992 permits teachers and parents to petition the governing board of a school district to approve a charter school to operate independently from the existing school district structure as a method of accomplishing, among other things, improved pupil learning. Existing law exempts charter schools from the laws governing school districts except those of the Charter Schools Act, those establishing minimum age for public school attendance, specified building code regulations, and other specified laws. Existing law requires a charter school to comply with its charter.

Existing law enumerates the acts for which a pupil may be suspended or expelled from school and sets forth procedures a school district is required to follow in suspending or expelling a pupil.

This bill would require a charter school to comply with laws governing school districts relating to the suspension and expulsion of pupils, thereby imposing a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 47610 of the Education Code is amended  
2     to read:  
3     47610. A charter school shall comply with this part and all of  
4     the provisions set forth in its charter, but is otherwise exempt from  
5     the laws governing school districts, except all of the following:  
6     ~~(a) As specified in Section 47611.~~  
7     ~~(b) As specified in Section 41365.~~  
8     ~~(c)~~  
9     (a) All laws establishing minimum age for public school  
10    attendance.  
11    ~~(d)~~  
12    (b) The California Building Standards Code (Part 2  
13    (commencing with Section 101) of Title 24 of the California Code  
14    of Regulations), as adopted and enforced by the local building  
15    enforcement agency with jurisdiction over the area in which the  
16    charter school is located. *Charter school facilities shall comply*  
17    *with this subdivision by January 1, 2007.*  
18    ~~(e) Charter school facilities shall comply with subdivision (d)~~  
19    ~~by January 1, 2007.~~  
20    (c) *Sections 41365 and 47611 and Article 1 (commencing with*  
21    *Section 48900) of Chapter 6 of Part 27.*  
22    SEC. 2. Section 48925 of the Education Code is amended to  
23    read:  
24    48925. As used in this article:  
25    (a) “Day” means a calendar day unless otherwise specifically  
26    provided.  
27    (b) “Expulsion” means removal of a pupil from (1) the  
28    immediate supervision and control, or (2) the general supervision,  
29    of school personnel, as those terms are used in Section 46300.  
30    (c) “Governing board” means *the governing board of a school*  
31    *district or the governing body of a charter school.*

1 (d) “Principal” means the principal of the school or the site  
2 administrator of a charter school.

3 (e) “Pupil” includes a pupil’s parent or guardian or legal  
4 counsel.

5 (f) “School” includes a charter school.

6 ~~(e)~~

7 (g) “Schoolday” means a day upon which the schools of the  
8 district are in session or weekdays during the summer recess.

9 ~~(d)~~

10 (h) “Suspension” means removal of a pupil from ongoing  
11 instruction for adjustment purposes. However, “suspension” does  
12 not mean any of the following:

13 (1) Reassignment to another education program or class at the  
14 same school where the pupil will receive continuing instruction  
15 for the length of day prescribed by the governing board for pupils  
16 of the same grade level.

17 (2) Referral to a certificated employee designated by the  
18 principal to advise pupils.

19 (3) Removal from the class, but without reassignment to another  
20 class or program, for the remainder of the class period without  
21 sending the pupil to the principal or the principal’s designee as  
22 provided in Section 48910. Removal from a particular class shall  
23 not occur more than once every five schooldays.

24 ~~(e) “Pupil” includes a pupil’s parent or guardian or legal counsel.~~

25 SEC. 3. If the Commission on State Mandates determines that  
26 this act contains costs mandated by the state, reimbursement to  
27 local agencies and school districts for those costs shall be made  
28 pursuant to Part 7 (commencing with Section 17500) of Division  
29 4 of Title 2 of the Government Code.